

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-094271

02/06/2012

HONORABLE BENJAMIN R. NORRIS

CLERK OF THE COURT
L. Heinzmann
Deputy

IN RE THE MATTER OF
ANNA COADY

ADAM RIETH

AND

PATRICK MCKEE

PATRICK MCKEE
3645 YATES CREEK RD
PERRY FL 32348

AG-CHILD SUPPORT-EAST VALLEY
OFFICE
CONCILIATION SERVICES-SE
IV-D COMMISSIONER-SE
IV-D JUDICIAL ASSISTANT - SE

**TITLE IV-D COMMISSIONER REFRRAL
POST-DECREE MEDIATION REFERRAL
TRIAL SET**

Courtroom 404 – SEF

8:38 a.m. This is the time set for Resolution Management Conference regarding Respondent/Father's Petition to Modify Child Custody, Parenting Time and Child Support filed October 31, 2011. Petitioner/Mother, Anna Coady, is present and represented by the above-named counsel. Respondent/Father, Patrick McKee, is present telephonically on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

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The Court is advised that the parties have not reached any agreements in this matter.

Discussion is held with the Court.

Based upon the discussion,

IT IS ORDERED referring the parties to Conciliation Services for post-decree mediation of child custody and/or parenting-time issues. The parties shall comply with all instructions and directives issued by Conciliation Services.

IT IS FURTHER ORDERED that each party must pay the \$100 per party fee at the Clerk of the Court filing counter, at least 30 days before the mediation. Each party must bring the receipt for payment or deferral to the mediation.

IT IS FURTHER ORDERED setting Mediation for March 1, 2012 at 8:38 a.m. in Conciliation Services at:

**Maricopa County Superior Court
Southeast Regional Court Center
222 East Javelina, Suite 1300
Mesa, Arizona 85210**

WARNING

IF YOU FAIL TO APPEAR AT THE MEDIATION AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND, YOU MUST REQUEST AND BE GRANTED PERMISSION FROM THE JUDGE IN YOUR CASE TO RESCHEDULE THE SESSION AT LEAST THREE FULL COURT DAYS BEFORE THE MEDIATION.

IT IS FURTHER ORDERED referring this case to the IV-D Commissioner to conduct a status conference regarding child support issues in this case.

The parties will receive a minute entry from the IV-D Commissioner setting forth the necessary status conference information.

IT IS FURTHER ORDERED setting Trial to the Court on April 30, 2012 at 9:00 a.m. (Time allotted: 90 minutes) before the Honorable Benjamin Norris, Southeast Judicial District, 222 East Javelina Avenue, Courtroom 404, Mesa, Arizona, 85210.

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Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination and any argument. **The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time** and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED any evidence intended to be submitted as exhibits at the time of the Trial must be brought to this Court's Clerk in Courtroom 404 **no later than 12:00 p.m. on April 23, 2012 with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to Courtroom 404 and must have colored paper separating the exhibits. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, at the time of the commencement of the hearing, **each party shall provide an extra copy of the exhibits for use by the Court during the hearing. This extra set of exhibits shall be noted to be the "Bench Copy".**

IT IS FURTHER ORDERED that the failure of either party to appear at the time of trial, or to timely present the Joint Pre-Trial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

IT IS ORDERED with regard to discovery and disclosure requirements:

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1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits on or before **April 16, 2012**.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than **April 16, 2012**.
3. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

IT IS FURTHER ORDERED that Counsel for both parties shall confer at least thirty (30) days prior to trial to conduct settlement discussions, prepare a Joint Pre-Trial Statement in accordance with Rule 76(C)(1), Arizona Rules of Family Law Procedure, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case. Thereafter, the Joint Pre-Trial Statement shall be filed and a copy delivered to this Division by no later than **April 23, 2012**. Further, pursuant to Rule 76(C) (2), each party shall file with the Joint Pre-Trial Statement the following:

- a) An Affidavit of Financial Information on a form approved by the Court.
- b) If financial/property issues are in dispute, a detailed itemized inventory of property and debt in accordance with Rule 97, form 12, "Inventory of Property and Debt".
- c) A proposed parenting plan.
- d) A proposed parent's worksheet for child support.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-Trial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

9:04 a.m. Matter concludes.

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All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.